# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

IN RE: TESTOSTERONE REPLACEMENT THERAPY PRODUCTS LIABILITY LITIGATION

MDL No. 2545

Hon. Matthew F. Kennelly

THIS DOCUMENT RELATES TO ALL CASES

### JOINT STATUS REPORT FOR NOVEMBER 16, 2018 CASE MANAGEMENT CONFERENCE

The parties jointly submit this status report on the proposed agenda items for the November 16, 2018 case management conference.

## I. Motions Under Advisement and Pending Ruling

At the case management conference, the parties propose a discussion regarding motions that the Court has taken under advisement and that remain pending such as 1) motions and stipulations to dismiss pursuant to CMO 9 and CMO 26, 2) motions to withdraw as counsel, and 3) motions to vacate judgments/reconsideration based on CMO 85. *See* CMO 118 [Dkt. No. 2612] (dismissal of cases for noncompliance with CMO 85).

#### II. Reports on Status of Pending Settlements with Defendants

#### A. Eli Lilly and Company Defendants

The settlement allocation process for the Lilly Defendants is well underway. Initial allocations have been released.

# B. Auxilium Pharmaceuticals, LLC, Endo Pharmaceuticals Inc. and GlaxoSmithKline LLC Defendants

The claims process is underway and on track pursuant to the timeline set forth in the Master Settlement Agreement.

### C. Actavis Defendants

The claims process is underway pursuant to the terms of the Master Settlement Agreement.

#### D. AbbVie Defendants

The parties are working diligently and cooperatively to finalize a Master Settlement Agreement and will be prepared to update the Court at the conference.

#### III. Procedures for Determination of Common Benefit Fees and Expenses

Lead counsel for the Plaintiff Steering Committee are prepared to discuss this with the Court at the case management conference.

Dated: November 13, 2018

Respectfully submitted,

/s/ Ronald Johnson, Jr.

Ronald Johnson, Jr.

#### SCHACHTER, HENDY & JOHNSON

909 Wrights Summit Parkway, Suite 210

Ft. Wright, KY 41011 Phone: (859) 578-4444 Fax: (859) 578-4440

rjohnson@pschachter.com

Trent B. Miracle

### **SIMMONS HANLY CONROY**

One Court Street Alton, IL 62002

Telephone: (618) 259-2222 Facsimile: (618) 259-2251 tmiracle@simmonsfirm.com Christopher A. Seeger **SEEGER WEISS LLP** 

55 Challenger Road, 6<sup>th</sup> FL Ridgefield Park, NJ 07660 Phone: (212) 584-0700

Plaintiffs' Co-Lead Counsel

David M. Bernick

# PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

1285 Avenue of the Americas New York, NY 10019-6064 Phone: (212) 373-3405

Fax: (212) 492-0405 dbernick@paulweiss.com

Attorney for AbbVie, Inc.

Michelle Hart Yeary **DECHERT LLP** 

902 Carnegie Center, Suite 500

Princeton, NJ 08540

Telephone: (609) 955-3200 Facsimile: (609) 955-3259

Email: michelle.yeary@dechert.com

Alicia J. Donahue

SHOOK HARDY & BACON LLP

One Montgomery St., Suite 2700 San Francisco, CA 94104

T: 415.544.1900 F: 415.391.0281

Email: adonahue@shb.com

Sean P. Wajert

SHOOK HARDY & BACON LLP

Two Commerce Square 2001 Market St., Suite 3000 Philadelphia, PA 19103

T: 215.278.2555 F: 215.278.2594

Email: swajert@shb.com

Attorneys for AbbVie Inc. and Abbott Laboratories

Andrew K. Solow

KAYE SCHOLER LLP

250 West 55th Street New York, NY 10019

Tel: (212) 836-7740 Fax: (212) 836-6776

andrew.solow@kayescholer.com

Pamela J. Yates

KAYE SCHOLER LLP

1999 Avenue of the Stars, Suite 1700

Los Angeles, CA 90067

Tel: (310) 788-1278

Fax: (310) 788-1200

pamela.yates@kayescholer.com

Attorneys for Endo Pharmaceuticals Inc. and Auxilium Pharmaceuticals, Inc.

David E. Stanley

Janet H. Kwuon

REED SMITH LLP

355 S. Grand Avenue, Suite 2900

Los Angeles, CA 90071

Tel: (213) 457-8000 Fax: (213) 457-8080

dstanley@reedsmith.com

ikwuon@reedsmith.com

Attorneys for Defendants Eli Lilly and Company, Lilly USA, LLC, and Acrux Limited

James W. Matthews

Katy E. Koski

Jason L. Drori

FOLEY & LARDNER LLP

111 Huntington Ave. Boston, MA 02199

Tel: (617) 342 – 4000

Fax: (617) 342 – 4001

jmatthews@foley.com

kkoski@foley.com

jdrori@foley.com

David B. Goroff Jonathan W. Garlough

#### FOLEY & LARDNER LLP

321 North Clark Street, Suite 2800

Chicago, IL 60654-5313 Tel: (312) 832-4500 Fax: (312) 832-4700 dgoroff@foley.com jgarlough@foley.com

Counsel for Defendants Actavis plc, n/k/a Allergan plc, Actavis, Inc., n/k/a Allergan Finance, LLC, Actavis Pharma, Inc., Watson Laboratories, Inc., and n/k/a Actavis Laboratories UT, Inc.

William F. Cavanaugh, Jr.
Jonah Moses Knobler
PATTERSON BELKNAP WEBB &
TYLER

1133 Avenue of the Americas New York, NY 10036-6710 Tel: (212) 336-2000 Fax: (212) 336-2222 wfcavanaugh@pbwt.com jknobler@pbwt.com

Attorneys for AbbVie Inc. and Abbott Laboratories

Joseph P. Thomas K.C. Green Jeffrey D. Geoppinger

**ULMER & BERNE LLP** 

600 Vine Street, Suite 2800 Cincinnati, OH 45202

Phone: (513) 698-5000 Fax: (513) 698-5001

E-mail: jthomas@ulmer.com

Attorneys for Actavis, Inc., Actavis Pharma, Inc., Anda, Inc., Watson Laboratories, Inc., a Nevada corporation, and Watson Laboratories, Inc., a Delaware corporation

# **CERTIFICATE OF SERVICE**

I hereby certify that on November 13, 2018, the foregoing document was filed via the Court's CM/ECF system, which will automatically serve and send email notification of such filing to all registered attorneys of record.

/s/ Brendan A. Smith
Brendan A. Smith